



Land Use and Zoning Meeting Minutes

August 30, 2010

STAFF:	David Radachy
DATE:	August 26, 2010
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m. by Chairman Terriaco.

Attendance was taken by sign in sheet. The following members were present: Messrs., Bodnar, Kenyon, Hullihen, Klco, Morse, Terriaco and Welch, and Mmes. Diak, Ross and Malec. Staff: David Radachy.

Mr. Terriaco asked for any comments from the public. No comments were made.

Mr. Terriaco asked Mr. Radachy to present the cases. There were two cases. Staff stated that the first case is actually two small cases.

Leroy Township – Text Change to Section III, Districts and Section IV, Agriculture

Staff stated that a full summary was in their packet. Staff stated the new language in section III added the new districts that were created over the past couple of years and revised the names of the existing districts, for example R became R-1. The only issue with this section was the fact R-2 is Rural Residential, not residential as noted in the amendment.

Staff stated that the change to section IV was changing the definition of agriculture. The new definition is in line with ORC 519.01.

Mr. Bodnar asked if there is no permit, how do you know if the agriculture buildings are agriculture buildings and not just other accessory buildings? Staff stated that there were two ways to do it. Some townships like Madison, ask people to file an application for a permit, but no fee is collected and no permit is issued. Other townships just come back later and ask after the building is built. The owner would state that the building is agriculture.

Mr. Bodnar asked if there is no application or drawing, how do you know that they the building is meeting setbacks? Staff stated that only ORC 519.21 allows for townships to regulate setbacks and that is only in the case of lots up to five acres in platted subdivisions or in areas with 15 or more lot splits. Staff stated that he would like to amend the staff's recommendation to reflect this fact.

Mr. Bodnar asked if there are any requirements for determining if the property is agriculture. Does it have to be in a CAUV or agriculture district? Staff stated all that is needed is the word of the owner. The agriculture exemption is one of the most abused sections of the ORC.

Staff recommended approval with text changes with suggestions from the committee. The following are the recommended changes to the section:

1. R-2 is Rural Residential, it should be listed as Rural Residential is Section III
2. The setbacks for agricultural buildings shall comply with ORC 519.20. ORC 519.20 allows a township to require agriculture buildings to meet setbacks if the lot size is under 5 acres and the lots are in a platted subdivision or an area with 15 or more lot splits.
3. The township should require that the applicant apply for a permit. If the use is agriculture, then no permit will be issued and no fee would be collected.

Mr. Morse made a motion to recommend the text change with the staff's and the Committee text suggestions.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

Leroy Township – Text Change to Addition of Section 34, Estate Lot Overlay

Staff stated that a full summary was in their packet. He went on to state that the section was created to encourage the use of common access driveways and to address the issue of multiple driveways in short sections of road. Staff showed an airphoto with 5 driveways within a 300 foot section of road. Staff stated that creates a safety issue and slows down traffic. This section was an PUD overlay district over R-1 and R-2. It is similar to Perry Township's CCOD. The advantage to a PUD overlay district is that the Township can develop its own approval process. They are not required to have two public hearings like a traditional district change.

Staff gave the basics of the language. It would require the owner to have a minimum of 11 acres to create this development. The lots would have 5 acres with a lot width of 200 feet at the building setback line. All the lots would not have public frontage. They would access the road through an access parcel. Staff showed diagrams of how the proposed development could look, the traditional flag lot development and Loreto Landings, a PUD in Perry Township with a private road. Staff stated that the private road in Loreto Landings was owned by the homeowners association and maintained by them.

Staff explained why there should be frontage. Those reasons included: frontage for water and sanitary sewer if they are ever extended to Leroy, access to the road if the access parcel is foreclosed on, and how to transfer the property was a concern for staff. Mr. Kenyon asked how Loreto Landings maintains the sanitary sewer and water lines. Staff stated that the Utilities Department requires the owners to have money in escrow to fix any issues that may arise. For example, they may be required to post \$50,000. For a subdivision of 43 lots, that is not a burden, but a development of three lots, it may be a burden.

Staff stated that the access parcel had no other design standards other than 60 feet of frontage. There was no requirement to maintain that width all the way to the lots, nor was there a requirement for length of the access parcel. There were also no standards for materials of the driveway or requiring a turn around for vehicles. Mr. Morse asked if the fire department had seen this. Mr. Kenyon stated no.

Staff discussed how the signs were required to be one sided. This would require the signs to be parallel to the road. That may make it difficult to read. If the signs were allowed to have two faces, then they could be perpendicular to the road. Mr. Bodnar asked if there was a height restriction on the signs. Staff stated no, and there wasn't a reference to the height restrictions in the sign section.

Staff recommended that the text amendment be passed with the following changes:

1. Minimum frontage of 20 feet for each lot or minimum design standards including minimum width of the lot from the right-of-way to the lots and a maximum depth of the access parcel.
2. Consider allowing signs to have two faces with the same maximum square footage.
3. Consider including the maximum height requirement that was brought forth from the committee.
4. Delete architect from being able to submit plans. These types of plans should be done by surveyor or civil engineer.
5. Add language referring to the CAD standards in the Lake County Subdivision Regulations.

The Committee asked about the CAD standards and staff stated that these were added in 2009. They require turn arounds from Ohio Fire Codes, minimum pavement widths, maximum length of the drive, and maximum number of units on the driveway. Mr. Hullihen stated that the U.S. Forest Services also had standards. Staff was going to research this topic.

Mr. Welch made a motion to recommend the text amendment with staff and committee suggestions. Ms. Diak seconds the motion.

One voted "Aye".
Seven vote "Nay".
Two abstained.
Motion failed.

The committee stated that parcels without frontage would be a burden on the community and those future homeowners. The access parcel was not easy to administer, or transfer. Deed restrictions would be difficult to deal with. There should be some standards to allow the safety vehicles to travel on these driveways. They recommended revising the language.

Mr. Radachy stated that was the end of the committee business.

Mr. Terriaco asked for new business.

Staff stated that appointments were up for Madison Township and Perry Township Members. The members are being informed of this and asked if they wished to continue. If they say yes, then staff will ask the Madison and Perry Township Trustees if they wish the members to continue. If their answer is yes, then the members would be reappointed. Mr. Klco, Ms. Diak, Ms. Malec and Mr. Welch stated they wish to continue. We are waiting on a recommendation from Perry and Madison Townships. The Committee asked if the Planning Commission was going to appoint them. Staff stated that the by-laws allow all appointments to be made by the chair. The current Chair wished to bring these appointments to the full board. It is in the Chair's power to do that.

Ms. Ross asked about the process that the township uses when amending the zoning resolution and when to set a public hearing. Staff discussed the process set by ORC 519.12 and other townships stated how they administer the process.

Mr. Terriaco asked for old business. There was none.

Mr. Terriaco asked for any comments from the public. No comments were made.

Mr. Welch made a motion to adjourn
Mr. Terriaco seconded the motion.

All voted "Aye".
Motion passed. The meeting adjourned at 7:30 PM